

# Goldie's Act Section by Section

*To amend the Animal Welfare Act to increase enforcement with respect to violations of that Act, and for other purposes.*

## Section 1: Increasing USDA Enforcement of Violations of the Animal Welfare Act

- a. **Violation Defined:** Amends Section 2 of the Animal Welfare Act (7 U.S.C. 2132) by adding the following:
  - i. The definition of a violation has been expanded to include any deficiency, deviation, or other failure to comply with any regulation.
- B. **Inspections and Investigations:** Amends Section 5 16(a) of the Animal Welfare Act (7 U.S.C. 2146(a)) by adding the following:
  - i. Allows the Secretary of USDA to determine whether any dealer, exhibitor, intermediate handler, carrier, research facility or operator of an auction sale has violated or is violating any provision or standard of this act.
  - ii. Requires the inspectors to document and record a detailed description of any violation noted during the inspections. Inspectors should also conduct any follow-up inspections necessary until all violations are corrected.
  - iii. Requires inspectors to confiscate or destroy in a humane manner any animal found upon discovery during inspection to be suffering from physical or psychological harm as a result of the person's failure to comply with this standard.
- C. **Agency Cooperation:** Amends Section 15 of the Animal Welfare Act (7 U.S.C. 2145) by adding the following:
  - i. The secretary must provide a copy of all records documenting any violation identified in the inspection to animal control or law enforcement officials of appropriate jurisdiction within 24 hours of the inspection or investigation.
- D. **Revocation of License, Civil Penalties, Appeal, Fines and Imprisonment:** Amends Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) by adding the following:
  - i. Penalties may not exceed \$10,000 per violation. The Secretary should also order the person cease and desist from continuing the violation. Each violation and day during which the violation continues will constitute a separate offense.
  - ii. No penalty will be assessed unless the person is given notice and opportunity to be heard with respect to the violation. The cease-and-desist order from the Secretary is final and conclusive UNLESS the affected person files an appeal.
  - iii. A hearing must be conducted by at minimum, one veterinarian, two additional animal care specialists or directors. The hearing should take place within 21 days after the notice of the violation has been delivered- UNLESS the secretary identifies a reason to extend the deadline.
  - iv. Penalties must be calculated on a per animal and per violation basis- and the final monetary penalty and may not be reduced by 10% or more of the total. USDA must designate a responsible party within USDA to establish penalty guidelines for violations and verify the department adheres to those guidelines.
  - v. Any failure to pay the penalty will allow the Secretary to request the Attorney General to institute a civil action in court to collect the penalty and receive further action. Any person who knowingly fails to obey a cease-and-desist order will be subject to a civil penalty of \$1,500.